

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Harless V. Barton, Jr.**

**Docket No. 5:09-MJ-1942-1**

**Petition for Action on Probation**

COMES NOW Debbie W. Starling, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Harless V. Barton, Jr., who, upon an earlier plea of guilty to Driving While Impaired (Level 1), in violation of 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, on March 6, 2012, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 60 days as arranged by the probation office, and shall abide by all rules and regulations of the designated facility. Arrangements as to when and where the 60 days should be served shall be made through the U.S. Probation Office.
3. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
4. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
5. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his privilege to do so is restored in accordance with law.

On July 6, 2012, the court modified the defendant's conditions of probation by striking the remaining jail time and placing him on 90 days of home detention and remote alcohol monitoring, due to his mental health condition and being assaulted while in custody.

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**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On July 24, 2012, the defendant was subject to remote alcohol monitoring at which time the presence of alcohol was detected. He admitted consuming two beers prior to testing. Barton has expressed remorse for his relapse and will be undergoing intensive outpatient treatment through the V.A. Medical Center. The defendant has been verbally reprimanded and he has expressed remorse for his failure to abstain from the use of alcohol. In order to closely monitor/deter any further use of alcohol throughout the period of supervision, it is respectfully recommended that the 90-day terms of home detention and remote alcohol monitoring be extended for the duration of his supervision. Barton has signed a waiver agreeing to this modification.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for the remaining period of supervision. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.
2. The defendant shall abide by all terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for the remaining period of supervision. The defendant shall comply with the program procedures.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

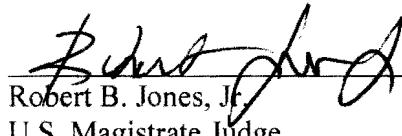
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Debbie W. Starling  
Debbie W. Starling  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: July 26, 2012

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**ORDER OF COURT**

Considered and ordered this 26 day of July, 2012, and ordered filed and made a part of the records in the above case.

  
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Robert B. Jones, Jr.  
U.S. Magistrate Judge